



GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

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Telephone: (626) 458-5100  
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ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

March 22, 2011

IN REPLY PLEASE  
REFER TO FILE:

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**RESOLUTION TO VACATE THE ALLEY SOUTH OF WHITTIER BOULEVARD  
IN THE UNINCORPORATED COMMUNITY OF EAST LOS ANGELES  
(SUPERVISORIAL DISTRICT 1)  
(3 VOTES)**

**SUBJECT**

This action involves the proposed vacation of an alley south of Whittier Boulevard in the unincorporated community of East Los Angeles, which is no longer needed for public use. The vacation has been requested by the underlying property owners to control access to the area.

**IT IS RECOMMENDED THAT YOUR BOARD AFTER THE PUBLIC HEARING:**

1. Find that the proposed action is categorically exempt from the provisions of the California Environmental Quality Act.
2. Find that the alley proposed to be vacated south of Whittier Boulevard in the unincorporated community of East Los Angeles is unnecessary for present or prospective public use, and is not useful as a nonmotorized transportation facility.
3. Find that the public convenience and necessity require the reservation and exception of easements and rights of way for the maintenance, operation, replacement, removal, and renewal of utility facilities located within the alley south of Whittier Boulevard in the unincorporated community of East Los Angeles, owned by the County of Los Angeles, the Southern California Edison Company, California Water Service, and Pacific Bell

Telephone Company (dba AT&T California) in accordance with Sections 8340 and 8341 of the California Streets and Highways Code.

4. Adopt a Resolution to Vacate the Alley South of Whittier Boulevard with Reservations (Conditional), pursuant to Section 8324 of the California Streets and Highways Code.
5. Upon approval, authorize the Department of Public Works to record the certified resolution with the office of the Los Angeles County Registrar-Recorder/County Clerk.

**PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the recommended actions is to find that the project is categorically exempt from the California Environmental Quality Act (CEQA) and allow the County of Los Angeles (County) to vacate the alley south of Whittier Boulevard (Easement) in the unincorporated community of East Los Angeles, since it no longer serves the purpose for which it was dedicated and is not required for public access or transportation.

**Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs the provision of Operational Effectiveness (Goal 1). The vacation of the Easement will result in added revenue through assessment and taxation and reduce the County's exposure to potential liability.

**FISCAL IMPACT/FINANCING**

There will be no impact to the County General Fund.

The vacation of the Easement will not have a negative fiscal impact on the County's budget. The applicant has paid a \$1,500 fee to defray the expenses of the investigation, mailings, publication, and posting. This amount has been deposited into the Road Fund. The fee was authorized by your Board in a resolution adopted May 4, 1982, Synopsis 62 (Fee Schedule), and as prescribed in Section 8321(d) of the California Streets and Highways Code.

**FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The area to be vacated contains approximately 4,118 square feet and is shown on the map that is attached to the enclosed Resolution to Vacate with Reservations (Conditional).

The procedure for the vacation of a County highway is set forth in Chapter 3 of Part 3 of Division 9 of the California Streets and Highways Code commencing with Section 8320.

Pursuant to Section 8320, your Board may initiate proceedings to vacate a public highway by having the Executive Office of the Board of Supervisors set a date (not less than 15 days after the initiation of proceedings), hour, and place for a hearing on the vacation.

Pursuant to Section 8322, notice of the hearing must be published for at least two successive weeks prior to the hearing in a daily, semiweekly, or weekly newspaper published and circulated in the County.

Pursuant to Section 8323, at least two weeks before the day set for the hearing, at least three notices of the hearing must be posted conspicuously along the line of the highway proposed to be vacated.

Pursuant to Section 8324, your Board may adopt a resolution vacating the highway if, after considering all the evidence offered at the hearing, your Board determines that the highway is unnecessary for present or prospective public use.

Additionally, pursuant to Sections 8314 and 892, your Board must also find that the highway proposed to be vacated is not useful as a nonmotorized transportation facility, prior to resolving to vacate the highway.

The County's interest in the Easement was acquired by dedication in Tract No. 5291, recorded in Book 54, page 22, of Maps, in the office of the Los Angeles County Registrar-Recorder/County Clerk, and by Deed recorded as Document No. 86-788707, of Official Records, as an easement for street purposes in the office of said Registrar-Recorder/County Clerk.

The alley is 260 feet long and runs east and west between Clela Avenue and Vancouver Avenue immediately south of Whittier Boulevard in East Los Angeles.

The vacation has been requested by Peter Cohen and supported by Junichi Yamasaki, the underlying property owners, to control access to the area. Their observation is that there is serious and continual criminal activity occurring in the limits of this proposed vacation. Therefore, vacating the alley will allow the property owners to control access.

The alley has been determined to be unnecessary for present or prospective public use and is not required for public access or transportation as there is sufficient public access to all other properties via Whittier Boulevard.

The proposed vacation was reviewed by the Departments of Parks and Recreation and Regional Planning. It was determined to be not useful as a nonmotorized transportation facility, and meets with the goals and objectives of the Community Plan and underlying zoning.

Easement rights for existing facilities will be reserved for the Southern California Edison Company, California Water Service, and Pacific Bell Telephone Company (dba AT&T California), as well as an easement for sanitary sewer purposes to the County pursuant to Sections 8340 and 8341 of the California Streets and Highways Code.

In addition, the proposed vacation is subject to the following conditions:

1. Construct gated entrances at Vancouver Avenue and Clela Avenue to the satisfaction of the Department of Public Works (Public Works) and the Los Angeles County Fire Department (Fire Department).
2. Provide access for the Fire Department and utility companies (i.e. Knox Box) at Vancouver Avenue and Clela Avenue.
3. Arrangement must be made with Southern California Edison Company to transfer the energy billing for the street lights in the vacation area or for its removal from the Street Lighting District.

These conditions must be met to the satisfaction of Public Works within one year of the date this resolution is adopted by your Board or the abandonment of the Easement will terminate and become null and void.

#### **ENVIRONMENTAL DOCUMENTATION**

This action is categorically exempt from the provisions of CEQA. The proposed vacation of the Easement is within a class of projects that has been determined not to have a significant effect on the environment in that it meets the criteria of Sections 15305 and 15321 of the State CEQA Guidelines. In addition, the project is not in a sensitive environment, and there are no cumulative impacts, unusual circumstances, or other limiting factors that would make the exemption under Section 15305 inapplicable based on the project records.

#### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

This action will allow for additional property taxes through the vacation of the Easement.

The Honorable Board of Supervisors  
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Existing easement rights for utility facilities will be reserved for the Southern California Edison Company, California Water Service, and Pacific Bell Telephone Company (dba AT&T California), as well as an easement for sanitary sewer purposes to the County pursuant to Sections 8340 and 8341 of the California Streets and Highways Code.

**CONCLUSION**

The Department of Public Works, Survey/Mapping & Property Management Division, will post notices of the hearing in accordance with Section 8323 of the California Streets and Highways Code.

Please return one adopted copy of this letter and one original and one copy of the resolution to the Department of Public Works, Survey/Mapping & Property Management Division, together with a copy of your Board's minute order. Retain one original for your files.

Respectfully submitted,



*for*  
GAIL FARBER  
Director of Public Works

GF:SGS:mr

Enclosure

c: Auditor-Controller (Accounting Division - Asset Management)  
Chief Executive Office (Rita Robinson)  
County Counsel  
Executive Office

**RESOLUTION TO VACATE  
THE ALLEY SOUTH OF WHITTIER BOULEVARD WITH RESERVATIONS  
(CONDITIONAL)**

WHEREAS, the Board of Supervisors of the County of Los Angeles has conducted a noticed public hearing regarding the proposed vacation of the alley south of Whittier Boulevard in the unincorporated community of East Los Angeles, in the County of Los Angeles, State of California, as legally described in Exhibit A and depicted on Exhibit B, both attached hereto, in accordance with Chapter 3, Part 3, Division 9, of the Streets and Highways Code of the State of California, commencing with Section 8320, and has considered all evidence submitted at the hearing;

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

1. That the above-described alley is unnecessary for present or prospective public use, and is not useful as a nonmotorized transportation facility
2. That the public convenience and necessity require the reservation and exception of easements and rights of way for the maintenance, operation, replacement, removal, and renewal of utility facilities located within the alley, owned by the County of Los Angeles, the Southern California Edison Company, California Water Service, and Pacific Bell Telephone Company (dba AT&T California) in accordance with Sections 8340 and 8341 of said Streets and Highways Code.
3. That the above-described alley is hereby vacated pursuant to Chapter 3, Part 3, Division 9, of the Streets and Highways Code of the State of California, commencing with Section 8320; reserving and excepting therefrom easements and rights of way for the maintenance, operation, replacement, removal, and renewal of utility facilities located in the alley in favor of the Southern California Edison Company, California Water Service, Pacific Bell Telephone Company (dba AT&T California), as well as an easement for sanitary sewer purposes to the County.
4. That the proposed vacation is conditioned upon the underlying property owners satisfying the following:
  - a) Construct gated entrances at Vancouver Avenue and Clela Avenue to the satisfaction of the Department of Public Works (Public Works) and the Los Angeles County Fire Department (Fire Department).
  - b) Provide access for the Fire Department and utility companies (i.e. Knox Box) at Vancouver Avenue and Clela Avenue.

- c) De-energize and remove the street lights within the proposed vacation.
  - d) The above conditions must be met to the satisfaction of Public Works within one year of the date this resolution is adopted by the Board of Supervisors or the vacation will terminate and become null and void.
5. That the Director of Public Works or her designee is authorized to record the certified original resolution with the office of the Registrar-Recorder/County Clerk.

The foregoing resolution was on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, adopted by the Board of Supervisors of the County of Los Angeles, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

SACHI A. HAMAI  
Executive Officer of the  
Board of Supervisors of the  
County of Los Angeles

By \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

ANDREA SHERIDAN ORDIN  
County Counsel

By  \_\_\_\_\_  
Deputy

GT:mr  
P:\MPPUB\ADMIN\MARIA\ALLEY S WHITTIER RES ENCLOSURE.DOC

**EXHIBIT A**

Project Name: **ALLEY SOUTH OF WHITTIER  
BOULEVARD 313-1VAC**  
A.I.N. 5245-003 (Alley)  
T.G. 675-G1  
I.M. 114-237  
R.D. 142  
S.D. 1  
M0988110

**LEGAL DESCRIPTION**

**PARCEL NO. 313-1VAC** (Vacation of road easement):

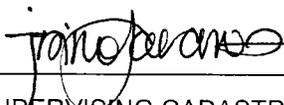
Part a:

That portion of that certain 15-foot wide strip of land, as shown on map of Tract No. 5291, recorded in Book 54, page 22, of Maps, in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles, adjoining Lots 57 and 64, both of said tract, bounded easterly by the southerly prolongation of the westerly sideline of Vancouver Avenue as described in Parcel A in deed to the County of Los Angeles, recorded on June 24, 1986, as Document No. 86-788707, of Official Records, in the office of said Registrar-Recorder/County Clerk and bounded westerly by the northerly prolongation of the easterly sideline of Clela Avenue as described in deed recorded on March 20, 1964, as Instrument No. 5472, in Book D2403, page 279, of said Official Records.

Part b:

All that portion of Lot 63 of above-mentioned tract described as Parcel B in above-mentioned deed to the County of Los Angeles.

Total area of Parts a and b containing: 4,118± square feet

APPROVED AS TO DESCRIPTION  
December 20, 2010  
COUNTY OF LOS ANGELES  
By   
SUPERVISING CADASTRAL ENGINEER III  
Survey/Mapping & Property Management Division

This real property description has been prepared in conformance with the Professional Land Surveyors Act. The signatory herein is exempt pursuant to Section 8726 of the California Business and Professions Code.

